

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NEW YORK

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JASON R. MENKES and CHRISTINA D. NENOV,

Plaintiffs,

- against -

BOARD OF MANAGERS OF 561 5<sup>TH</sup> STREET  
CONDOMINIUM, ALISON L. AVERA, RICHARD R.  
PURTICH, LEN PATTERSON SMALL,  
TRACY BRESLIN, KIRSTIN A. PURTICH, MELISSA  
WACKS and LEN ROBERT SMALL, all individually  
and as members and/or agents of the Board of Managers  
of Defendant 561 5<sup>th</sup> Street Condominium,

Defendants.

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**C O U N S E L O R S :**

Civil Action No.:  
1:19-cv-03569 (MKB) (VMS)

**STIPULATION OF  
DISCONTINUANCE WITHOUT  
PREJUDICE AS TO THE  
FOURTH CAUSE OF ACTION  
AGAINST DEFENDANTS,  
RICHARD R. PURTICH AND  
KIRSTIN A. PURTICH**

**IT IS HEREBY STIPULATED AND AGREED**, by and between the undersigned, the attorneys of record for all parties to the above-entitled action, that whereas no party hereto is an infant or incompetent person for whom a committee has been appointed, and no person not a party has an interest in the subject matter of the action, that the Fourth Cause of Action in the above-entitled matter be, and the same hereby is discontinued against Defendants, **RICHARD R. PURTICH** and **KIRSTIN A. PURTICH**, without prejudice, and without costs or attorneys' fees to any party as against the other.

Dated: New York, New York  
June 10, 2020


**PEDOWITZ & MEISTER, LLP**

  
Arnold H. Pedowitz, Esq.  
Co-Counsel for Plaintiffs

**BRAVERMAN GREENSPUN, P.C.**

Tracy Peterson, Esq.  
Co-Counsel for Plaintiffs  
Jason R. Menkes and Christina D. Nenov

**LEWIS BRISBOIS BISGAARD & SMITH LLP**

  
Sana Suhail, Esq.  
Co-Counsel for Defendants, Richard R. Purtich and  
Kirstin A. Purtich

**ABRAMS FENSTERMAN, FENSTERMAN,  
EISMAN, FORMATO, FERRARA, WOLF &  
CARONE LLP**

Randy Faust, Esq.  
Co-Counsel for Defendants, Melissa Wacks, Len Robert  
Small and Len Patterson Small, and Counsel for Board  
of Managers of 561 5<sup>th</sup> Street Condominium

SO ORDERED:

HON. MARGO K. BRODIE, U.S.D.J.